

Niagara Escarpment Commission
Annual Report 2009-2010

Niagara Escarpment Commission



TO HIS HONOUR
The Lieutenant Governor
of the Province of Ontario

MAY IT PLEASE YOUR HONOUR

The undersigned begs respectfully to present to Your Honour the Annual Report of the Niagara Escarpment Commission for the year beginning April 1, 2009 and ending March 31, 2010.

THE HONOURABLE LINDA JEFFREY
Minister



Niagara
Escarpment
Commission

THE HONOURABLE LINDA JEFFREY
Minister of Natural Resources

Honourable Madam:

I have the honour to submit to you the Annual Report of the Niagara Escarpment Commission for the year commencing April 1, 2009 and ending March 31, 2010.

DON SCOTT
Chair

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A Note from the Chair

As the United Nations has declared 2010 the "International Year of Biodiversity" it is particularly timely to reflect on the tremendous value that the natural resources of the Niagara Escarpment provides to the people of Ontario.

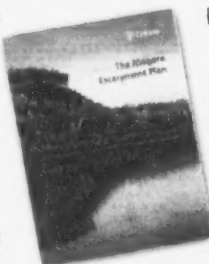


This year also marks the 25th anniversary of the Niagara Escarpment Plan, adopted by the Ontario Government in 1985 with all-party support. Canada's first large-scale environmental plan, the Niagara Escarpment Plan provides the framework to guide land use in this environmentally significant and scenic landscape.

The Niagara Escarpment Commission's 2009-10 Annual Report illustrates some of the unique species that thrive in the Niagara Escarpment Biosphere Reserve. From delicate Yellow Lady's Slipper orchids to American Columbo and Hart's-tongue Ferns, the Escarpment's vibrant ecosystems support thousands of unique and diverse species, including 40% of Ontario's rare and endangered species. The Escarpment's 131 parks and nature preserves provide protection to this renowned World Biosphere Reserve.

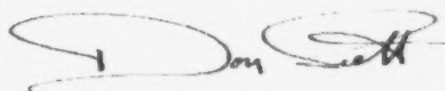
The cornerstone of Ontario's Greenbelt, the Niagara Escarpment is the source of seven major watersheds, providing vital headwaters to rural and urban communities.

It is an area of rich agricultural lands for food production, with mixed cereal and bean crops, tender fruit and vinifera grapes. Three distinct forest ecosystems thrive along its 725-km length, not to mention the "forest" of fascinating ancient Eastern White Cedars, some of which age 1,000+ years, growing out from the Escarpment's rugged cliff faces.



Under the protection of the Niagara Escarpment Plan, this working countryside and landform of rich biodiversity will continue to be preserved as a model of sustainable land use planning in our province. The Niagara Escarpment Commission will continue to be the steward of

the Niagara Escarpment Plan to preserve this internationally-recognized landscape and the rich biodiversity it supports on behalf of the people of Ontario.



Don Scott, Chair
Niagara Escarpment Commission



The Niagara Escarpment Plan
Celebrating 25 Years in 2010

The Niagara Escarpment

Ontario's Niagara Escarpment rises wild and beautiful above the farmlands and communities of south-central Ontario. It is one of Canada's most magnificent landforms – a forested ridge traveling 725 km from Queenston, near Niagara Falls, to Tobermory, at the tip of the Bruce Peninsula.

The Escarpment and lands in its vicinity are protected by the Niagara Escarpment Plan (NEP). The NEP Area covers portions of 22 local municipalities within seven regions and counties and the City of Hamilton.

Human activity on the Escarpment is guided and shaped by the NEP. In 1985 the Ontario government adopted this visionary environmental plan, known as Canada's first green plan. The NEP aims to conserve Ontario's Niagara Escarpment as a continuous natural environment. Development on the Escarpment must be compatible with this objective.

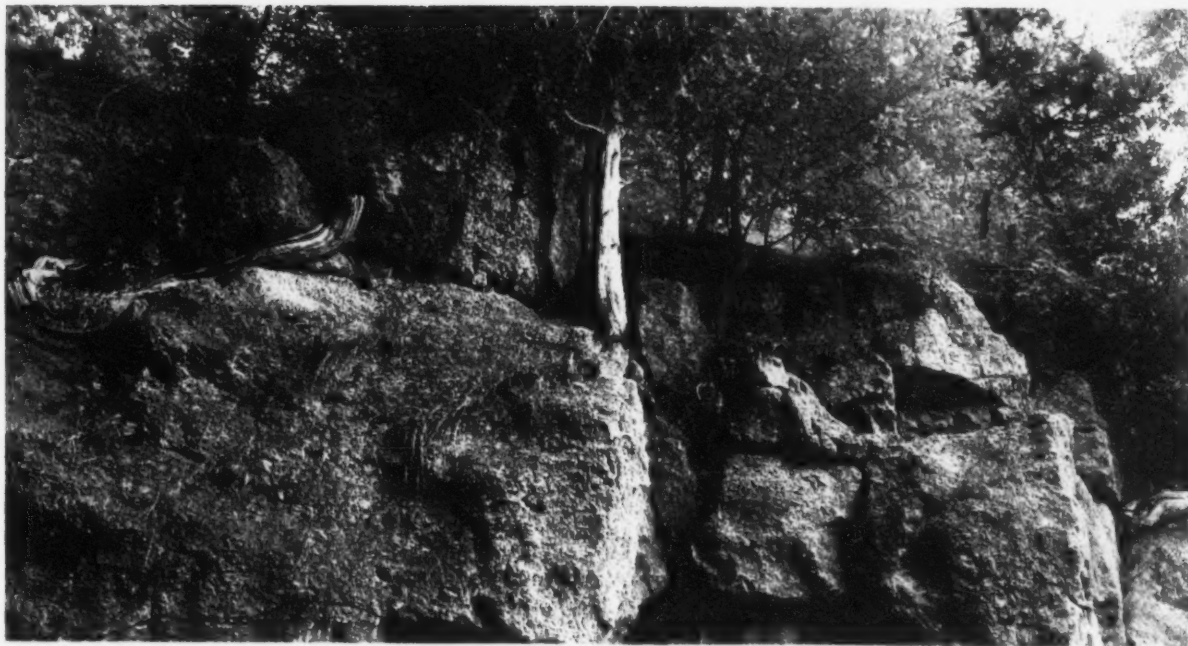
The NEP outlines land use designations, development criteria and related permitted uses, including farming, forestry and mineral resource extraction. It also provides the framework for a string of more than 130 existing and proposed parks and open spaces linked by the Bruce Trail. As well, the NEP ensures the maintenance of open countryside, conserving land for agriculture and complementary rural activities.

The Niagara Escarpment Commission

The Commission is a 17-member Ontario government agency with representatives from the general public and from municipal counties, regions and cities on the Escarpment.

The Commission reports to the Minister of Natural Resources and is supported by a staff of 24 operating from offices in Georgetown and Thornbury.

The NEC's responsibilities include administration and oversight of Niagara Escarpment permits, processing amendments to the Niagara Escarpment Plan, providing Plan interpretation, commenting on municipal and provincial policies, programs and land use initiatives, supporting the development and acquisition of parks and trails and promoting sound stewardship of Ontario's Niagara Escarpment.



Niagara Escarpment Commissioners

PUBLIC-AT-LARGE	OIC #	TERM
ALEXANDER, Donald J. (St. Catharines)	267/2004 345/2007	March 3, 2004 to March 3, 2007 Feb 21 2007 to March 2, 2012
BEATTIE, Georgina (Winona)	1383/2003 2102/2006	Sept. 24, 2003 to Sept. 24, 2006 Nov. 12, 2006 to Nov. 1, 2011
BORODCZAK, Nars (Oakville)	2386/2006 1901/2008	Dec. 13, 2006 to Dec. 13, 2008 Dec. 13, 2008 to Dec. 12, 2011
CAMBRAY, Corwin T. (St. Catharines)	1530/2007 1160/2008	July 9, 2007 to July 9, 2008 July 9, 2008 to July 8, 2011
LITTLE, Joan (Burlington)	265/2004 346/2007	March 24, 2004 to March 24, 2007 March 24, 2007 to March 23, 2012
LOUIS, Cecil (Toronto)	489/2004 1057/2007	March 24, 2004 to March 24, 2007 March 24, 2007 to March 23, 2012
MILLER, Moreen (Alton)	488/2004 871/2007	April 7, 2004 to April 7, 2007 April 7, 2007 to April 6, 2012
RILEY, John (Mono)	1381/2003 2101/2006	July 24, 2003 to July 24, 2006 Nov. 1, 2006 to Nov. 1, 2011
SCOTT, Donald W. (Appointed As Chair) (Bruce)	1268/97 1160/2000 1380/2003 1400/2004 819/2007	June 25, 1997 to June 25, 2000 June 25, 2000 to June 24, 2003 June 25, 2003 to June 24, 2004 June 25, 2004 to June 24, 2007 June 25, 2007 to June 24, 2012
MUNICIPAL	OIC #	TERM
BOYLE, Tom (Bruce)	546/98 492/2004 432/2007	March 25, 1998 to Oct. 6, 1999 March 24, 2004 to March 24, 2007 March 24, 2007 to March 23, 2011
REIF, Wally (Grey)	549/2007	April 4, 2007 to April 4, 2011
DAVIDSON, Shawn (Simcoe)	548/2007	April 4, 2007 to April 4, 2011
BALDWIN, Dave (Dufferin)	999/2003 458/2004 344/2007	May 7, 2003 to February 21, 2004 March 3, 2004 to March 3, 2007 March 1, 2007 to February 28, 2011
PATERAK, Richard (Peel)	221/2001 642/2004 343/2007	March 1, 2001 to February 29, 2004 March 1, 2004 to February 28, 2007 March 1 2007 to February 28, 2011
ELGAR, Allan (Halton)	261/2004 342/2007	March 3, 2004 to March 3, 2007 March 3, 2007 to March 2, 2011
FERGUSON, Lloyd (Hamilton)	547/2007	April 4, 2007 to April 4, 2011
Vacant (Niagara)		

Operational Performance

Overview

In addition to the core functions established by the Niagara Escarpment Planning and Development Act (NEPDA), a Memorandum of Understanding between the NEC and the Ministry of Natural Resources sets out the current expectations of the NEC:

- Promoting the objectives of the NEP and the NEPDA through a variety of communication initiatives;
- Supporting the Province's Greenspace initiatives as set out in the Greenbelt Act, 2005 and the Greenbelt Plan;
- Supporting the Ministry's Natural Spaces Initiative, where applicable, and co-operating with the Ministry and parks agencies.
- Cooperating with the Ministry, parks agencies and others in Niagara Escarpment Parks and Open Space (NEPOSS) implementation, land stewardship, research, and communications activities related to promoting and achieving Plan objectives.

Priorities and Results

The Niagara Escarpment Commission's front-line role as the province's leading environmental land use planning agency aligns to the Ministry of Natural Resources' key priority to:

- Promote, market and enhance the protection of natural heritage in southern Ontario.

The Commission is a statutory body that operates at "arms length" from the Provincial Government in accordance with the NEPDA. Its decisions are made independently and impartially.

As a regulatory agency, the NEC conducts itself according to the management principles of the Government of Ontario, including the principles of ethical behaviour, excellence in management,

honest and ethical administration of public funds, professional public service with full accountability, consistency, fairness and courtesy.

The NEC and its staff are committed to leadership in environmental awareness and sustainable land use planning. The NEC is dedicated to program transparency, consistency, and public service that is fair, respectful, balanced and empathetic.

The following are the NEC's operational objectives, some of which mirror the objectives of the Ministry of Natural Resources:

- Promote healthy, sustainable ecosystems.

Ontario's Niagara Escarpment includes three transecting ecosystems. Sustainable planning promotes the preservation of ecologically sensitive areas and habitat for Species at Risk.

- Conserve biodiversity.

The Niagara Escarpment's protected ecosystems are home to 55 species of mammals, 325 species of birds and 40% of Ontario's rare flora.

- Conduct scientific research.

The NEC's ONE Monitoring Program monitors the Escarpment's ecology and applies scientific findings to strengthen policies to preserve the Niagara Escarpment. The NEC has sponsored and encouraged research, environmental monitoring and the development of GIS tools to improve planning, biosphere reserve management, policy review and implementation.

- Develop effective resource management policies.

NEC initiatives, such as the biennial Leading Edge Conference, provide vehicles for the sharing and integration of information of Niagara Escarpment Biosphere research, environmental monitoring, management techniques and stewardship.

- Promote economic opportunities in the resource sector.

The Niagara Escarpment's economic benefit to Ontario surpasses \$100 million annually (1997 statistics).

The Niagara Escarpment provides aggregate resource areas and agricultural lands as well as vast tourism potential related to the natural features of the Escarpment.

- Enhance opportunities for outdoor recreation.

The NEC works with the Bruce Trail Conservancy and local conservation authorities to raise awareness and accessibility to Escarpment recreational activities. The Niagara Escarpment Parks and Open Space (NEPOSS) System including Bruce Trail and Escarpment Recreation designation provide public access and recreation opportunities.

Niagara Escarpment Plan Implementation

Overview

- Continue to meet NEPDA responsibilities.
- Continue to implement the NEP and contribute to planning-related concerns with partner municipalities.
- Continue to pursue (and report on) changes in the legislation (NEPDA) and the Development Control (DC) regulations needed to streamline the NEP Amendment and Development Control processes.
- Continue the processes of removing DC outside the NEP area and align Development Control with NEP boundaries; continue to work with municipalities for the removal of DC in Urban Areas, Minor Urban Centres and Escarpment Recreation Areas.
- Comment on development within Minor Urban and Escarpment Recreation Area designations of the NEP.
- Contribute to protected spaces objective by continuing NEC actions related to NEPOSS (e.g. participation in MNR-lead NEPOSS review and strategy development).
- Meet the NEC responsibilities under the EBR (new



Instrument Regulation) and provide an electronically-accessible database for public notice and review of development permits.

- Continue to develop staff training initiatives and succession planning to strengthen and enhance planning and management skills within the NEC.

Development Permit Applications and Related Activities

The Niagara Escarpment Commission manages the Niagara Escarpment Plan through a permit system that ensures that proposed development within the area of Ontario's Niagara Escarpment is compatible with the Escarpment's natural features.

In addition to considering Niagara Escarpment permit applications and administering the related land use regulations, the Commission also reviews and participates in hearings on applications for severances, subdivisions, official plans, zoning bylaws, environmental assessments, park plans, transportation corridors and undertakings by other government agencies, within and adjacent to the Niagara Escarpment Plan.

The Commission also assesses and comments on proposed provincial and federal legislation, regulations and policies that have the potential to affect the Niagara Escarpment.

Niagara Escarpment Development Permit Activity 2009-10

Development Permit Applications Received	480
Approved	369
Refused	9
Applications Appealed	34
Hearing Officer Decisions	10
Joint Board Decisions	0
Minister's Decisions	0
Cabinet Decisions	0

Niagara Escarpment Plan Amendments

As part of the administration of the Niagara Escarpment Plan, the NEC processes applications to amend the Plan. Usually, amendments propose site-specific exceptions to the policies and designations of the Plan. Amendments are approved, rejected or modified by the Minister of Natural Resources or the Ontario Cabinet. From time to time the NEC itself proposes amendments to update, improve or clarify the Plan.



Niagara Escarpment Plan Amendments 2009-10

Amendments Received	3
Amendments Processed	7
Active Amendments	19
Recommendations to Minister	1
Petitions to the Ontario Cabinet	3
Approved by Minister or Cabinet	3
Refused by Minister or Cabinet	0
Referred back to Joint Board	0
Withdrawn/Deferred	10
Determined to be Urban Use*	0

**The Greenbelt Act (2005) prohibits the expansion of urban areas and urban uses in the area of the Greenbelt Plan, which includes the Niagara Escarpment Plan area. The expansion of urban areas or uses can only be considered when the Greenbelt Plan is reviewed, scheduled for 2015.*

Amendments Received

PB 181 09	Escarpment Biosphere Conservancy	July 9, 2009
PG 182 10	Weinberg	Jan. 28, 2010
PC 183 10	NEC - Significant Woodlands	March 29, 2010

Amendments Processed

Staff Reports to NEC (7)

1 Information Report

PB 181 09	Escarpment Biosphere Conservancy	Aug. 20, 2009
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2 Initial Staff Reports

PH 180 09	Dufferin (Acton)	May 21, 2009
PB 181 09	Escarpment Biosphere Conservancy	Oct. 15, 2009

2 Summary Reports

PH 153 04	Nelson	Nov. 18, 2009
PS 161 05	Walker (Duntroon)	Nov. 18, 2009

2 Position Reports

PC 172 08	Agricultural Purposes Only Lots	June 18, 2009
PC 178 09	Species at Risk	Nov. 18, 2009

Active Amendments

PG 142 03 Wiarton Airport

This Amendment is for a site-specific exception to the list of permitted uses in the Escarpment Rural Area to allow a resort-type facility and to allow a small-scale, dry, industrial-type use in the Escarpment Protection Area. The applicant has requested that the application be held in abeyance.

PH 143 03 Milton Outlier

On June 16, 2005, the NEC approved the recommendations of the Initial Staff Report PH 143 03. This report recommends the circulation of the proposed amendment. Comments, letters of support or opposition were accepted until September 27th, 2005. Because of the complexity of issues the Amendment is being studied further and its initiation has been delayed.

PG 146 03 NEC - Castle Glen

This Amendment has been deferred pending the outcome of Amendment PC 175 08 respecting Escarpment Recreation Areas. The Amendment is to change the NEP designation from Escarpment Recreation Area to Escarpment Natural Area on approximately 455 ha (184 acres) located on Part Lots 10, 11, and 12 Con III and IV, Town of the Blue Mountains.

Active Amendments (cont'd)

PH 153 04 Nelson Aggregate Co.

NEC staff and solicitors have been involved with a number of pre-hearings of the Joint Board on the proposed expansion of the Nelson Quarry in the City of Burlington throughout the year. The NEC voted not to support the application in November 2009. An Issues List for the hearing is being developed and dates for meetings of expert witnesses and the exchange of witness statements are being canvassed. The hearing is scheduled to commence in September 2010 and will last for many months. Parties to the hearing are Nelson Aggregate, the Region of Halton, the City of Burlington, Conservation Halton, NEC, Protecting Escarpment Rural Land (PERL) and the Ministry of Natural Resources.

PS 161 05 Walker Aggregate Inc. (Duntroon Quarry) Plan Amendment No. 161 proposes to designate Lot 25 and Part Lot 26 Concession 12 and Part Lot 26 Concession 11, Clearview Township, Simcoe County, from Escarpment Rural Area and Escarpment Natural Area to Escarpment Natural Area, Escarpment Rural Area and Mineral Resource Extraction Area for a quarry. The NEC has taken a position to oppose the Walker Aggregate Inc. application to amend the Niagara Escarpment Plan to permit a quarry in the vicinity of their existing quarry. This Amendment will go forward to a hearing in the early months of the fiscal 2010-11 year.

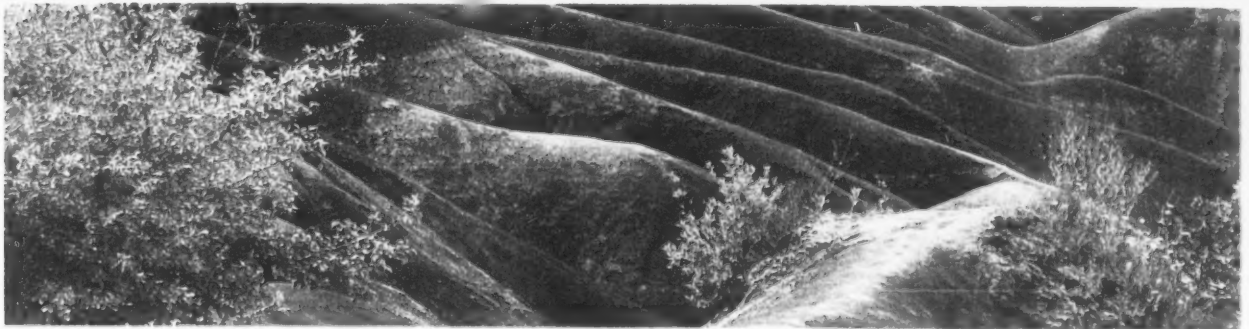


PG 167 07 Sutherland Construction Ltd.

This amendment, submitted by Harold Sutherland Construction, regarded a proposed quarry in Keppel Township. The applicant recently reduced the extraction area proposed to keep a greater distance from the Shouldice Wetland, a Provincially Significant Wetland. NEC staff is continuing to review the application although the Aggregate Resources Act license application has been referred to the Ontario Municipal Board. The application is still undergoing review and a hearing (if required) is not anticipated until late 2010 or early 2011.

PN 168 07 Reimer

This Amendment proposes an agricultural purposes only (APO) lot in the Town of Lincoln. The application has been deferred and is awaiting the Minister's Decision on Amendment 172, which deals with agriculture in the Niagara Escarpment Plan. Amendment 172 is expected to set the direction for considering APO lots.



Active Amendments (cont'd)

PH 169 07 NEC – To Add Lands to NEPA by Milton Quarry

This Amendment is deferred pending the Cabinet Decision on adding the subject lands to the Niagara Escarpment Planning Area.

PC 172 08 NEC – Agricultural Purposes Only Lots

To undertake a general amendment to the Niagara Escarpment Plan (NEP) to introduce policies to permit the severance of a surplus farm residence associated with a farm consolidation. A number of housekeeping matters related to the new policy, the Provincial Policy Statement, the Greenbelt Plan and agriculture generally will also be addressed, as part of the Amendment. The objective is to encourage farming and promote the creation of larger more viable agricultural lots. The Amendment is before the Minister.

PS 173 08 Covington Investments Inc.

This is a site-specific application to amend the Niagara Escarpment Plan to permit the establishment of a portion of a condominium road to locate on the "prominent" Escarpment slope within the Escarpment Recreation Area designation, to provide access to a future four-lot residential plan of condominium on a approximately 2.8 hectare (6.9 acre) parcel of land, which is currently part of the Oslerbrook Golf Club property. The Amendment would form an exception to the Development Objective of the Escarpment Recreation Area which limits uses to recreational facilities that need the slope to operate (e.g., ski runs). The proposed residential plan of condominium buildings will not be situated on the "prominent" Escarpment slope and therefore does not form part of the proposed Amendment. This Amendment is deferred pending discussion with the proponents' consultant.

PC 175 08 NEC – Escarpment Recreation

This Amendment proposes to change the designations and policies respecting those lands affected by the Escarpment Recreation Area in the NEP. A number of housekeeping matters related to the new mapping and policies will also be addressed. The NEC has received comments on the Amendment and these are being assessed.

PW 176 08 NEC – RBG Lands

This Amendment to add and designate approximately 62.3 hectares (154 acres) of lands owned by the Royal Botanical Gardens and the City of Hamilton, including easements held by Hydro One, is deferred pending a Cabinet Decision to add the subject lands to the Niagara Escarpment Planning Area.

PH 177 08 NEC – "Gap" Lands

This Amendment to add and designate approximately 108 ha (267 acres) of privately and publicly owned lands is deferred pending a Cabinet Decision to add the subject lands to the Niagara Escarpment Planning Area.



Active Amendments (cont'd)

PC 178 09 Species at Risk

The NEC initiated and circulated proposed Amendment PC 178 09 to harmonize the existing objective, policies and definitions in the Niagara Escarpment Plan respecting Species at Risk (SAR), with the new Endangered Species Act, 2007. The proposed Amendment was posted on the Environmental Registry for a sixty day commenting period. A number of objections to the proposed Amendment were received and NEC Staff continue to work with Stakeholders to resolve issues in order to move forward with the proposed Amendment.

The proposed Amendment reflects the need to harmonize the existing Species at Risk (SAR) habitat protection provisions of the NEP, with the updated ESA, 2007 which came into force in June 2008. The Amendment will strengthen current NEP policies with respect to habitat protection for SAR, while maintaining the integrity of those existing policies supporting habitat protection for general wildlife and fish species that may not be subject to the provisions of the ESA, 2007.

PH 180 09 Dufferin (Acton)

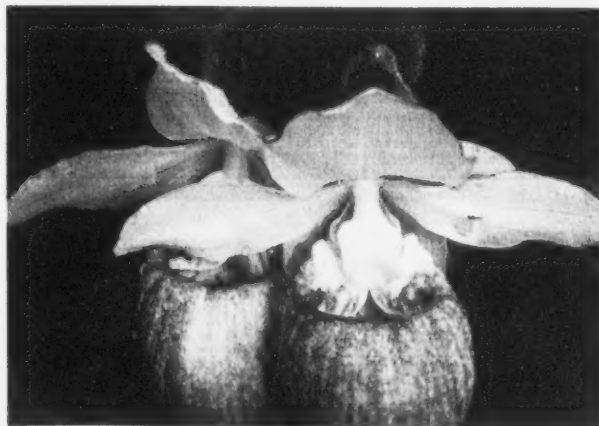
The Joint Agency Review Team (JART) led by NEC staff working with peer review consultants has been evaluating the technical reports submitted by Dufferin Aggregates for the expansion of the Acton Quarry, in consultation with the applicant and the public. Fieldwork was undertaken in the summer of 2009 by Ministry of Natural Resources staff regarding wetlands and wildlife habitat. JART will continue working with the applicant to finalise the technical review and will then host a public information centre to update the public on the peer review findings.

PB 181 09 Escarpment Biosphere Conservancy

This site-specific amendment proposes to redesignate the Escarpment Recreation Area portion of the subject 1.8 ha (4.5 ac) property to Escarpment Natural Area. The lot has been purchased by the Escarpment Biosphere Conservancy (EBC), for conservation and nature preserve purposes. As the EBC has acquired the lot for conservation, not development purposes, it wishes to redesignate the Escarpment Recreation Area portion of the lot to Escarpment Natural Area, to better reflect the environmentally sensitive nature of the lot, and to extend the tax incentive program eligibility over the entire lot, so that taxes are not based on the lot being, potentially, a building lot. This will enable the EBC to put the funds towards further conservation purposes. The Escarpment bisects the lot and the portion of the lot to be re-designated is the steep talus slope of the Escarpment reaching down to the shore road. Adjacent lands above the Escarpment are in public ownership. The Bruce Trail crosses the property. The Amendment is before the Minister.

PG 182 10 Weinberg

This Amendment is deferred pending a Cabinet Decision to add the subject lands to the Niagara Escarpment Planning Area.



Active Amendments (cont'd)

PC 183 10 Significant Woodlands

In 2009 staff began research and consultation on the development of a Significant Woodlands policy and criteria to be applied in the NEP Area. Significant Woodlands policies will be brought forward in a proposed NEP Amendment in 2010.

While the Niagara Escarpment Plan (NEP) recognizes the fundamental importance of protecting wooded areas through the Purpose and Objectives of the Niagara Escarpment Planning Act (NEPDA) and the NEP, as well as through the related land use policies and Development Criteria, the NEP does not specifically provide for a definition of Significant Woodlands nor does it include policies specific to the identification and protection of these natural heritage features which are recognized by the Province.

The NEP, as a result of its age, currently has no clear policy direction with respect to Significant Woodlands within the NEPA. Policies on Significant Woodlands within the NEPA are essential in order to provide greater protection to these features and in order to be consistent with the PPS (2005) and other provincial legislation (Greenbelt Act & ORMCA). Furthermore, municipalities and other planning authorities are directed to protect significant woodlands by the Province.

Recommended Approval to Minister

PC 172 08 NEC - Agricultural Purposes Only Lots

June 25, 2009

Amendments Approved By Minister

PD 151 04 Hockley Highlands

April 28, 2009

The Minister approved an amendment to the Niagara Escarpment Plan to recognize an existing development on the former Ontario Hydro site in Hockley Valley, Dufferin County. The amendment recognized the existing development and transition to an institutional use by the Church of Scientology of Toronto. A Development Permit for Phase I of the development was issued.

PD 170 07 Goldhar

April 28, 2009

The Ministry approved this site-specific Amendment to the NEP in Dufferin County to allow a pond associated with a rural residence on the Escarpment slope. A Development Permit for the pond has been issued.

PN 171 07 Queenston Quarry

August 20, 2009

This application for the redesignation of the Queenston Quarry was received on Dec. 20, 2007. Since the quarry had been worked out, the proponent was requesting a redesignation to Escarpment Rural Area. The Commission deferred it at their meeting of April 18, 2008, awaiting a decision on whether or not parts of the amendment included an urban use. On May 15, 2008 the hotel/resort component was removed as it was found to be an urban use.

The application was amended on June 25, 2008. The Amendment was circulated July 21, 2008. The application was also modified on December 15, 2008, after the proponent acquired an adjacent .36 ha (.89 acre) lot near the quarry entrance that was also designated Mineral Resource Extraction Area. A decision is expected in the 2010-11 fiscal year.

Annual Highlights

ONE Monitoring Program

Niagara Escarpment Terrestrial and Stream Monitoring and Research Team (NETSMART) Initiative

The NEC Monitoring Program and the Niagara Escarpment Biosphere Reserve Foundation are partnering with the Ministry of Natural Resources, the Nottawasaga Valley Conservation Authority (NVCA), and the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), to lead a collaborative monitoring and research Network in the Niagara Escarpment Plan Area, and adjacent lands.

The purpose of the NETSMART Initiative is to provide a forum for coordination, integration, information sharing and management with both government and non-government organizations that are involved in monitoring and research on the Escarpment and surrounding lands. The network recognizes the advantages of collaboration in order to maximize the value of individual data sets, and enable a landscape perspective, in order to better inform policy and management decisions.

The NETSMART group will focus on monitoring and research taking place within the NE Plan Area, however, will also include a geographic area outside of the Plan Area, in order to facilitate landscape scale trend analysis for the NEC Monitoring Program, which examines those processes taking place outside of the boundaries of the NEP.

Forest Biodiversity Monitoring

From August 19 – 26th, 2009 the third inventory of the Hope Bay forest biodiversity monitoring plot was successfully completed by NEC staff and thirteen University of Waterloo faculty and students. The Hope Bay plot was first inventoried in 1999 and is within the Escarpment Natural Area Designation of the NEP.

The NEC's Environmental Monitoring Program has been monitoring five one-hectare forest biodiversity plots along the Escarpment since 1996. Plots are used to study long-term, cumulative environmental impacts of land use change and development on Escarpment ecosystems.

The plots are inventoried on a five year rotational basis in partnership with the University of Waterloo's Environment and Resource Studies (ERS) Department. All of the plots are located in upland, deciduous forest interior habitat on public land within the Escarpment Natural Area. The plots are considered "control" sites for monitoring relatively undisturbed conditions, although some degree of disturbance (historical or present-day) has been identified within all plots.



Compliance and Enforcement

Overview of Compliance Program 2009-2010

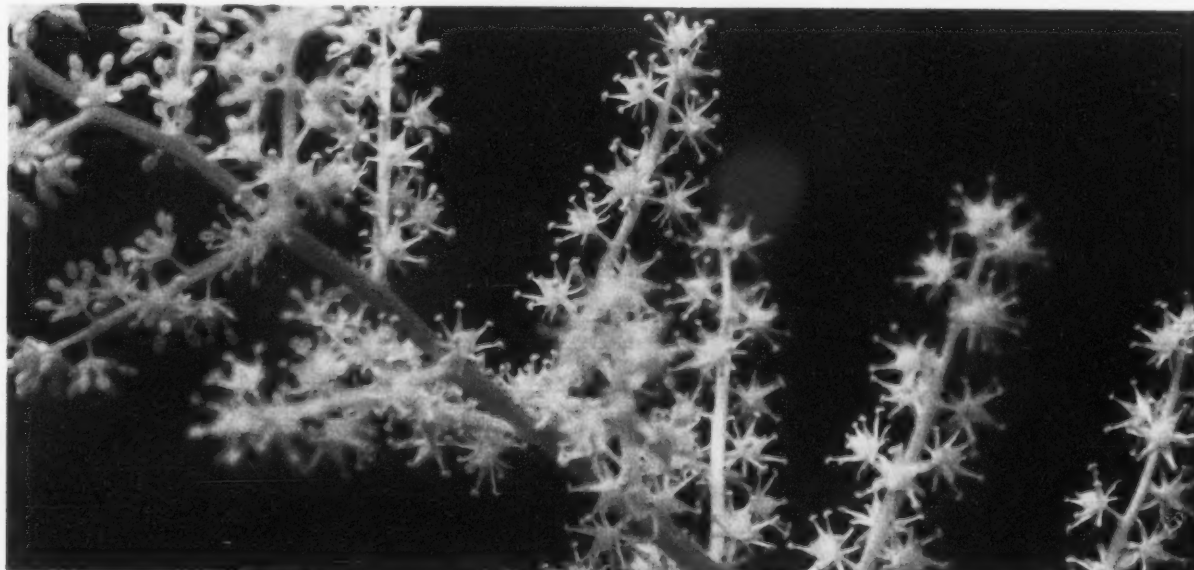
Conditional Inspections (inspections associated to monitoring conditions of approved Development Permits)	NEPDA registered court convictions totaling \$21,865 in fines	Formal notices to private property owners and/or contractors notifying of non compliant or otherwise unapproved development	Complaint files administered where development was reported to the NEC taking place without a Development Permit
142	6	60	90

Prosecution Statistics

Niagara Escarpment Planning & Development Act, R.S.O. 1990

Total Convictions	Penalty \$	Restoration Orders/Stop Work Orders (issued in 2009-2010 fiscal)	Notices of Violation
6	\$21,865 *	2	60

**All fines have an additional 25% Provincial Victim Fine Surcharge that is added to the penalty upon conviction; this percentage has not been tallied in this report.*



Official Plans, Official Plan Amendments and Environmental Assessments

City of Hamilton

NEC staff reviewed and commented on the draft Environmental Study Report for the Waterdown Transportation Master Plan, participated in a technical committee regarding the subwatershed study and worked with City staff to provide comments on the Waterdown Secondary Plan. The City undertook a viewshed analysis of the area with direction from NEC staff. Issues relating to visual impact, land use designations and buffers continue to be addressed with City staff and developers.

GTA West and Niagara to GTA Corridor Environmental Assessments

NEC staff continues to consider and review these two processes which are examining the adequacy of transportation corridors from Niagara to the Greater Toronto Area (GTA) and across the northern and western GTA.

Halton Region

NEC staff participated in working committees with Region staff and other stakeholders, provided input to the policies for Official Plan amendments 37 and 38 relating to growth management and provincial plan conformity and continues to work with the Region on their development of various guidelines to implement the Official Plan. NEC staff are also involved in the Region's Transportation Master Plan review.

James Dick Construction Ltd.

NEC staff will be providing participant statements at the ongoing Ontario Municipal Board (OMB) hearing on the James Dick application to build a quarry outside but adjacent to the NEP Area in Caledon, Ontario. The NEC is opposed to this particular quarry because of the highly engineered quarry's potential environmental impacts in areas directly adjacent to the NEP.

Pleasant View Survey

NEC staff provided comments to the Ministry of Municipal Affairs and Housing regarding an application to amend the Parkway Belt West Plan in the Pleasant View Survey and consulted with the applicant and City of Hamilton staff. The application was recommended for refusal and has since been refused.

The NEC has been granted party status at the hearing on the Rural Hamilton Official Plan as there have been appeals by private landowners to the proposed Official Plan policies for the area. An Order in Council to include the Pleasant View Survey lands within the Niagara Escarpment Plan Area is pending.

Once the Order in Council is in place, NEC staff will undertake an amendment to the NEP to put appropriate land use designations and policies in place for the area.

State of the Aggregate Resource in Ontario Study (SAROS)

NEC staff participated in the Technical Expert Panel and the NEC Chair was part of the Aggregate Resource Advisory Committee for the State of the Aggregate Resource in Ontario Study (SAROS). The Consolidated Report was released by the Ministry of Natural Resources in February 2010 and it will be followed by the release of six technical papers on the Value of Aggregates, Aggregate Consumption and Demand, Reuse and Recycling, Aggregate Reserves in Existing Operations and Rehabilitation.

The Niagara Escarpment Commission's participation involved extensive consultation with other stakeholders and a considerable time commitment. The report was undertaken by MNR to inform the Minister regarding aggregate supplies in Ontario to determine if sufficient aggregate would be available for the development flowing from the Growth Plan.

Park Master Plans

NEC staff worked with Country Heritage Park in Milton and the City of Burlington on the Management Plans for two parks of the Niagara Escarpment Parks and Open Space System (NEPOSS) and brought them to the Commission for endorsement. This involved consultation with many stakeholders, consultants and the public. Both Management Plans are now approved both by the NEC and the Ministry of Natural Resources. Development Permits to implement park development or re-development will be reviewed in the coming year.

Hearings

Hydro One Networks Inc.

A Development Permit Application submitted by Hydro One Networks Inc. proposed to "twin" an existing 500 kV hydro transmission line that extends from the Bruce Power Complex on the shores of Lake Huron to the Milton Transformer Station south of Highway 401. Approximately 6.4 km of the new (and existing) line crosses the area covered by the Niagara Escarpment Plan (NEP) in the Town of Halton Hills and the following four (4) NEP designations are affected: Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area and Mineral Resource Extraction Area.

The September 17, 2009 decision of the NEC to approve the application was appealed by several landowners. One pre-hearing was held in early December 2009 followed by two more in early and mid-January 2010 to identify the parties involved, the documents to be considered and the issues to be evaluated and brought forth in evidence at the hearing.

The hearing commenced on January 26, 2010 and motions were brought by the appellants over the first two days that the hearing should be adjourned and re-constituted as a Joint Board hearing under the Consolidated Hearings Act. The motions were not successful and the hearing of evidence continued

intermittently over a total of 13 days temporarily ending on February 25. The hearing re-commenced on March 22 and extended to March 26; additional hearing time was planned into April.

Da Silva - Hamilton

A pre-hearing was held in January 2010 and a three-day hearing followed in February with final submissions in March on a proposal which involved the creation of two residential lots that back onto the Escarpment in the Waterdown area of the City of Hamilton.

Johnson - Burlington

A pre-hearing on an application to construct a house on a lot created by testamentary devise was held in August 2009, with a Niagara Escarpment Hearing Office hearing following in October 2009. The Hearing Officer denied an application in support of the NEC decision. A judicial review has been filed by the proponent.

D.G. Bawtinheimer Ltd.

The NEC approved the replacement of the dock services building at the Queenston dock property with a larger dock services building. Several parties appealed the decision, and at the hearing the appellant parties were represented as either the Queenston Residents Association or the Corporation of St. Saviour, the Brock Memorial Church. The NEC and the applicant were represented by legal counsel at this Niagara Escarpment Hearing Office hearing. The Town of Niagara-on-the-Lake was granted party status and was represented by legal counsel. The parties are awaiting the decision.

Half-way Sand Pit Ltd.

The NEC refused the proposed importation and retailing of landscape products produced and finished off-site. The NEC decision was made on October 15, 2009 and an Appeal Hearing occurred on March 30, 2010; the decision is pending.

NEC Communications

Achievement Awards Series

A highlight of the fiscal year in NEC community outreach was the presentation of the 2009-10 series of the Niagara Escarpment Achievement Awards.

This biennial series honours individuals and organizations for outstanding efforts in environmentally-sensitive site planning and landscaping design, conservation projects in the Niagara Escarpment Biosphere Reserve, and lifetime achievement in advancing the principles of the Niagara Escarpment program.

Connecting the NEC to the diverse communities it serves along the length of the Escarpment, the program encourages good land stewardship, positive community engagement and the promotion of biosphere reserve principles.

This series' Lifetime Achievement Award was presented by former Premier Bill Davis to renowned Canadian artist and naturalist Robert Bateman, a Niagara Escarpment Commissioner from 1973-85.



Other recipients included **Featherstone Estate Winery** for sustainable agricultural practices; **Ball's Falls Centre for Conservation** (Niagara Peninsula Conservation Authority) for outstanding LEED-certified building design and landscaping; UNESCO Schools the **Bruce Peninsula District School** and **St. Edmund's Public School** for applying biosphere principles in their

curricula; the **Regional Municipality of Halton** for its forest management plan; architect **Paul Syme**, for the design and siting of "Blue Mountain House" in Grey County; **architectsAlliance** and homeowners **Marvin Green and Pamela Blais** for the exceptional design and siting of a residence in Kimberly, Ontario, and the **Optimist Club of Greensville** for its restoration of the heritage cobblestone bridge at Webster's Falls.

The NEC Online

During this fiscal year the NEC's website www.escarpment.org saw 51,490 visits. The site continues to provide timely public service with the delivery of NEC meeting minutes, staff reports, NEP and map updates, policy and Development Permit reports, Plan Amendments and travel information.

In addition to our central site, a Niagara Escarpment Twitter profile and Niagara Escarpment Blog were created this year to enhance the Niagara Escarpment's social media profile and provide timely updates on biosphere reserve events and Escarpment program-related materials to the public.

Publications

The Niagara Escarpment Commission's E-Newsletter is published quarterly. Highlighting a range of program interests including Niagara Escarpment hearings, events, ecological monitoring projects, policies and reports, the E-newsletter provides stakeholders and the public with information about the NEC's work. Past E-newsletter issues are available at www.escarpment.org.

Publication of a new "Escarpment Explorer" brochure for the City of Hamilton was released during the fiscal year, bringing the number of Escarpment Explorer brochures in the series to nine, all of which are available by online request and electronically from our website.

In total, the NEC circulated 17,639 publications this fiscal year to individuals, educators, community groups, tourism associations, Conservation Authorities and municipalities.

Niagara Escarpment Commission Financial Synopsis 2009/2010

	Approved Budget	Actual Expenditures
Salaries & Wages	\$1,703,851	\$1,690,616
Operating Budget	\$ 483,300	\$ 439,997
Litigation Expenses	\$ 110,000	\$ 43,802
Total	\$2,297,151	\$2,174,415

Performance Measures

Key Operational Performance Goals and Results

Goals	Measures	Results
Commitment #1 The NEC will communicate the NEC and Niagara Escarpment Biosphere Reserve mandate to the public.	The NEC will provide a variety of public outreach initiatives to increase awareness of the Niagara Escarpment Biosphere Reserve and NEC mandate.	The NEC used "green" communications methods such as online conference proceedings and the website and tracked media coverage, website usage trends, publications circulation and exhibits.
Commitment #2 The NEC will work collaboratively with partners, stakeholders and government ministries & agencies.	The NEC will provide input and comments on planning-related concerns such as Official Plans and Environmental Assessments, as well as biosphere reserve directives.	The NEC continued to build partnerships with municipalities, stakeholders, local service industries and organizations to promote/deliver on planning guidance, research, monitoring, eco-tourism promotion and other NEC priorities.
Commitment #3 Commissioners and staff will provide balanced and fair service to the public.	Commissioners and staff will monitor public feedback and investigate any complaints according to the NEC's complaints policy and the province's Ombudsman.	The NEC continued to provide feedback opportunities to applicants; monitored the conduct of Commissioners and staff and investigated concerns in accordance with the NEC's complaints policy.
Commitment #4 The Commission and staff will provide decisions in timely manner in accordance with Government of Ontario business procedures	The NEC will track the time it takes to process and render decisions on Development Permit applications, Plan Amendments, hearings and other procedures.	The NEC measured Development Permit and Plan Amendment processing times to accommodate appropriate stakeholder comment periods, consultation time for legal considerations and adequate file preparation time for staff to produce fair and balanced reports.
Commitment #5 Reporting on NEC decisions, initiatives and policies.	The NEC will report updates and final decisions on policies, biosphere reserve initiatives, Plan Amendments and municipal & environmental comments.	The NEC continued to publish decisions, projects and program information of community interest via its website and annual report.

